

rest from the time of their being made; and the balance, if any, with interest thereon, he will be directed to bring into court.

Whereupon, it is *Ordered*, that this case be, and the same is hereby referred to the auditor, with directions to state an account accordingly. And each party is hereby permitted to take testimony in relation to the said account before any justice of the peace, on giving three days notice as usual. Provided, that the said testimony be taken and filed in the chancery office on or before the twelfth day of June next.

On the 9th of December, 1830, the auditor made a report in obedience to this order, in which he said, he had stated an account No. 1, between the trust estate of *Elizabeth Tilly* and others, and the trustee, in which the proceeds of sale are first applied to the payment of the trustee's allowance for commission and expenses and costs of suit, and the residue is distributed amongst the infant children of *Elizabeth Tilly*, deceased, in manner as directed by the aforesaid order. The auditor has adopted the agreement of the 20th of July last, signed by the solicitors of *Berry Griffith*, and the trustee, as evidence of the ages of those children. He has then stated accounts between said trustee, and each of said infant children, which are numbered 2, 3, 4, 5 and 6, charging the trustee with each child's ascertained share of the proceeds of sales, and interest thereon from the first of January, 1818, to this date; and allowing credit for his disbursements, with interest on each disbursement from its date to this time. The result of those accounts is, that *Elizabeth Tilly*, *Sarah Tilly*, and *Lucretia Tilly* have been fully paid and satisfied; that there remains due to *Horatio Tilly*, deceased, the sum of \$263 95, with interest on \$153 09 from this date; and to *Margaret Tilly* the sum of \$243 92, with interest from this date.

To this report of the auditor the trustee *Brewer* excepted; and the case being submitted, it was, on the 29th of January, 1831, *Ordered*, that the exceptions be over-ruled, that the report be confirmed, and that the proceeds be applied accordingly.